

REMARKS

Upon entry of the present Amendment-B the claims in the application are claims 1-16, of which claims 1 and 3 are independent.

Claim 3 is rewritten in independent form, including all of the limitations of claim 1 from which it formerly depended, while new claims 8-16 are added which further define aspects of the invention of claims 1 and 3.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

Allowable Subject Matter

Additionally, applicant gratefully acknowledges the Examiner's indication that claims 3-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim, as set forth at item 3 of the Office Action. In light of the above amendment to claim 3, it is believed that claims 3-9 are in allowable form, noting that claims 4-9 all depend from claim 3, directly or indirectly.

Claim Rejections —35 USC 102

At item 2 of the Office Action, the Examiner has rejected claims 1 and 2 under 35 USC 102(b) as being anticipated by Sakai et al (US 6,253,133). With respect to claim 1, it is the Examiner's position that Sakai discloses a side airbag unit, a posture detector which determines the posture of the occupant, a weight detector which measures the weight of the occupant, and a deployment controller which controls deployment of the airbag 21 based on the posture and weight of the occupant. With respect to claim 2, it is the Examiner's position that Sakai discloses the deployment controller 11 permitting deployment of the airbag irrespective of the occupant when the

weight measured by the weight detector exceeds a threshold value.

Applicant's Response

Upon careful consideration applicant respectfully traverses such rejection, and submits that claims 1-2 are clearly patentably distinct over Sakai, since the reference does not disclose (or suggest) all of the features required therein. Specifically, Sakai does not disclose a weight detector which "measures a weight" of the occupant, as recited in claim 1. Instead, Sakai discloses a sitting state sensor SWse which provides an ON or OFF signal to indicate the presence or absence of an occupant on the seat cushion SEc (col. 9 lines 1-15). This is accomplished using a sensor comprising parallel foil plates separated by a perforated spacer sheet. When sufficient weight is applied to the sensor, the foil plates are compressed into mutual contact through the perforations of the sheet, closing the switch. When the weight is removed, the foil plates separate due to resilient properties, opening the switch. Thus, Sakai merely senses the presence of an occupant, but does not *measure the weight* of the occupant as recited in the claim. As more fully discussed in the specification, a strain gauge system may be used within the seat support mechanism which allows the weight of the occupant to be measured. Based on the discussed feature, applicant's control system can advantageously distinguish between light and heavy occupants, categorizes the measured weight, and controls the discharge of the airbag based in part upon the weight category.

Further, applicant respectfully submits that Sakai's system does not compare the output from the weight sensor to a threshold value. Rather, Sakai discloses a measurement device, an antenna electrode (ATs) in the seat back (SEb) which senses the proximity of a trunk portion of an occupant. The output from the antenna electrode ATs is a digital-converted voltage related to the oscillation frequency of the antenna electrode ATs, referred to as the oscillation frequency data Ds.

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In the Sakai disclosure, the oscillation frequency data Ds from the sensor in the seat back SEB is compared to a threshold value, rather than the sensor output from the weight sensor Swsc, contrary to the claimed invention.

Other matters

Applicant has considered the additional references cited by the Examiner on the Form PTO-892 attached to the Office Action, Breed et al., Pajon, Fujimoto, Sawahata et al., and Hosoda, but it is respectfully submitted that these additional references fail to overcome the deficiencies of Sakai relative to claims 1-2 as discussed above.

New claims 8-16 are believed to be allowable over the references of record based on the merits of claims 1 and 3 discussed above, and on the merits of the additional features set forth in these claims.

Conclusion

In conclusion, applicant has overcome the Examiner's rejection of claims 1-2 as presented in the Office Action; the Examiner has indicated claims 3-7 will be allowed; and moreover, applicant has considered all of the references of record, and it is respectfully submitted that the invention as defined by each of the present claims is clearly patentably distinct thereover.

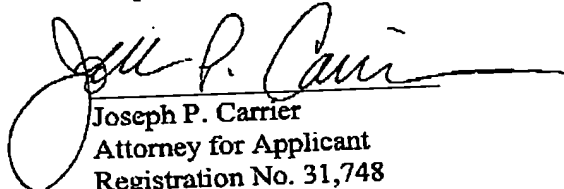
The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,

Customer No. 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
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Joseph P. Carrier
Attorney for Applicant
Registration No. 31,748
(248) 344-4422

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